

DECISION



THE COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D. C. 20548

FILE: B-186491

DATE: June 23, 1976

MATTER OF: Scobey Moving & Storage Co.

DIGEST:

Protest against method of bid evaluation contained in IFB and filed after bid opening is untimely under § 20.2(b)(1) of GAO's Bid Protest Procedures which requires protests against alleged improprieties contained in solicitation and apparent prior to bid opening be filed prior to bid opening to be timely.

Scobey Moving & Storage Co. (Scobey) has protested the award of a contract by the General Services Administration (GSA), Fort Worth, Texas, under solicitation No. 7-76-FSS(7FZT).

Scobey's protest is based on the allegation that the method of evaluation contained in the invitation for bids (IFB) did not result in the award of the contract to the bidder offering the actual lowest cost to the Government. Bids were opened on April 26, 1976, and Scobey was advised on April 28, 1976, of the awards to be made. Scobey protested the awards orally to the contracting officer on April 29. On May 4, 1976, the protest was denied and on May 10, 1976, Scobey protested to our Office.

The IFB provided the following as regards the method of award:

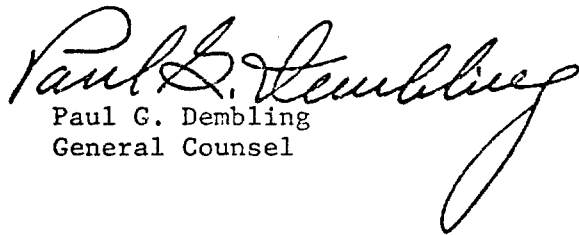
"10. METHOD OF AWARD

"Award will be made separately for New Orleans, Louisiana; Oklahoma City, Oklahoma; and San Antonio, Texas, (including loading at Fort Worth, Texas) to the lowest qualified bidder or bidders whose bids are responsive and produce the lowest aggregate cost to the Government."

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Scobey contends that by including the loading at Fort Worth, Texas, in the evaluation for award, the Government did not receive the lowest cost. In effect, Scobey is protesting the method of bid evaluation and award.

Section 20.2(b)(1) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), requires that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening shall be filed prior to bid opening to be timely. As the protest of Scobey was not filed until after bid opening, it is untimely and not for consideration. Dunham-Bush, Inc., B-184537, January 14, 1976, 76-1 CPD 25.


Paul G. Dembling
General Counsel